THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15182 of 2005

Dated:03.08.2007

Between:

Karatam Baby Sarojini, W/o.Narayana Rao.

…Petitioner

and

The Spl.Dy.Collector (TW),
K.R.Puram, W.G.District,
and others.

…Respondents

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ORDER:

In this Writ Petition the petitioner seeks a writ of mandamus declaring the action of the respondents in evicting her from the land admeasuring Acs.4.35 cents in R.S.No.417/2 situated at Gollavarigudem Village, Hamlet of Buttaigudem Mandal in West Godavari District (hereafter called, the schedule land), as illegal and arbitrary.

It is the case of the petitioner that she is the owner of the schedule land, which originally belonged to her mother-in-law, Karatam Lakshmi Kantamma. She claims that the schedule land was given to her as Pasupu-Kumkuma by her father at the time of her marriage, and during the partition among the family members, the schedule land was allotted to her husband, Karatam Narayana Rao, who in turn allotted the same to her. The third respondent along with three others filed a Writ Petition before this Court, being W.P.No.7147 of 1997, seeking a direction to the Special Deputy Collector (Tribal Welfare), Kota Ramachandrapuram, to consider their application for restoration of land in various survey numbers. This Court disposed of the same directing the authorities to consider their representation. In obedience thereto, the first respondent initiated action in S.R.No.262 of 1984 under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. By an order dated 22.12.1997, the first respondent ordered ejectment of the occupants from the land admeasuring Acs.40.00 comprised in R.S.Nos.414/2, 416,

417/1, 418, 419 and 420. The petitioner alleges that the second respondent in collusion with the third respondent tried to dispossess her when an extent of Acs.40.00 out of Acs.80.00 in Patta No.17 (corresponding to various survey numbers mentioned hereinabove) was delivered to the third respondent. Though the petitioner brought to the notice of the Mandal Revenue Inspector, he tried to dispossess the petitioner from the land in R.S.No.417/2 admeasuring Acs.4.35 cents.

The second respondent filed a counter affidavit. The allegation that the petitioner was evicted from the land in R.S.No.417/2 is denied. It is further stated that action was initiated in S.R.No.262 of 1984 at the instance of the third respondent for eviction of the occupants in various survey numbers including R.S.No.417/2, and that the first respondent passed an ejection order on 22.12.1997. The husband of the petitioner filed an appeal, being S.R.A.No.3 of 1998 before the Agent to Government, which was dismissed on 26.11.2001. The revision petition filed by Karatam Narayana Rao, was also dismissed by the Government on 30.09.2002, and therefore, the Mandal Revenue Inspector was directed to comply with the orders of the Agent to Government, who accordingly conducted panchanama and handed over the land to the third respondent.

Learned Counsel for the petitioner vehemently contends that the land in R.S.No.417/2 admeasuring Acs.4.35 cents exclusively belongs to the petitioner as she got the same as Pasupu-Kumkuma gift at the time of her marriage from her father. This is denied by the learned Government Pleader for Social Welfare as well as the learned Counsel for the third respondent.

A copy of the order passed by the first respondent in S.R.No.262 of 1984, dated 22.12.1997, is placed before this Court. A perusal of the same would show that the third respondent along with M/s.Basha Venkanna, Basha Suryachandram and Basha Nageswara Rao filed the said case seeking restoration of the land admeasuring Acs.40.00 in Patta No.17. After verifying the records, the first respondent came to the conclusion that as many as eleven field/survey numbers are correlated in the land in Patta No.17. One such survey number is R.S.No.417/2 admeasuring Acs.4.35 cents. When notices were issued to Karatam Narayana Rao, the husband of the petitioner, and three others, the petitioner's husband appeared before the first respondent on 29.07.1997 and 25.08.1997. He deposed that he succeeded to the property in R.S.Nos.417/2, 418, 419 and 420 from his mother, who was the original owner. He did not even whisper that he gave the land to his wife (petitioner herein) or the petitioner herein got the land as
Pasupu-Kumkuma gift. The deposition given by the husband of the petitioner belies the contention of the petitioner that she is exclusive

owner of the schedule land. Any such allegation made by the petitioner must be treated as frivolous allegation.

The Writ Petition is misconceived, and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

03.08.2007
vs